

3/22/2018

BY ECF

Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Government Employees Insurance Company, et al., v. Bruce Jacobson, et al., Index No. 15-cv-07236*; Motion to Extend Discovery Deadlines

Dear Judge Levy:

We write on behalf of Defendants Bruce Jacobsen, D.C., BMJ Chiropractic, P.C., NJ Pain Treatment, P.C., Jacobsen Chiropractic, P.C., Dr. Bruce Jacobsen DC, P.C., and NJ Neuro & Pain, P.C., to request an extension of the deadlines to complete fact and expert discovery. Plaintiffs have consented to this extension.

The current deadline to complete fact discovery is March 23, 2018 and the current deadline to complete expert discovery is June 23, 2018. Defendants request that the fact discovery deadline be extended six weeks to May 4, 2018 and that the expert discovery deadline be extended to August 6, 2018. Regarding expert discovery, Defendants propose the following schedule:

- a. Plaintiffs' reports due by June 4, 2018;
- b. Defendants' reports due by July 6, 2018;
- c. Expert depositions completed by August 6; and
- d. Requests for pre-motion conferences for summary judgment motions submitted by September 6, 2018.

This is the eighth request to extend the discovery deadline. Plaintiffs have consented to this schedule.

The parties have been actively exchanging documents and information since the last request. However, due to the sheer volume of documents produced by Plaintiffs, Defendants have not yet finalized their review Plaintiffs' production.

Defendants' on-site inspection of over a hundred thousand individual documents comprising over a million pages produced by Plaintiffs has consumed much of Defendants' time since the last extension request, as has the ongoing review of hundreds of thousands additional documents produced by Plaintiffs late last year. The parties are in the process of negotiating an agreement to expedite the completion of this review.

Defendants also require this extension to finish their depositions of Plaintiffs, as Defendants cannot complete the deposition prior to finishing the review of Plaintiffs' production. The parties are further in the process of finalizing Defendants' final production of documents and information, including the review and exchange of cellular telephone records and text messages.

Defendants additionally require six weeks to complete discovery because Gary Tsirelman, Esq., will not be available during the upcoming Jewish holidays and because the undersigned is currently out of the office on parental leave¹ and will be returning to work on only a part-time basis on April 3, 2018. An extension of six weeks will allow defense counsel to effectively complete discovery.

Thank you for your consideration of this letter.

Cc: All Counsel via ECF

Respectfully,
/s/ _____
Nicholas Bowers, Esq.
*Counsel for Defendants named
herein*
Gary Tsirelman P.C.
129 Livingston, 2nd Floor
Brooklyn NY 11201

¹ I have been out on leave since March 5, 2018. I am submitting this letter only because it is urgent due to the expiration of the discovery deadline tomorrow and no other attorney is available to submit it. My participation in this matter during leave has been limited to brief emails with Plaintiffs, a single conference call with Plaintiffs, and brief communications with Gary Tsirelman, Esq.